

**MORRISON | FOERSTER**

3811 VALLEY CENTRE DRIVE  
SUITE 500  
SAN DIEGO  
CALIFORNIA 92130-2332

TELEPHONE: 858.720.5100  
FACSIMILE: 858.720.5125

WWW.MOFO.COM

MORRISON & FOERSTER LLP  
NEW YORK, SAN FRANCISCO,  
LOS ANGELES, PALO ALTO,  
SAN DIEGO, WASHINGTON, D.C.  
DENVER, NORTHERN VIRGINIA,  
ORANGE COUNTY, SACRAMENTO,  
WALNUT CREEK, CENTURY CITY  
TOKYO, LONDON, BEIJING,  
SHANGHAI, HONG KONG,  
SINGAPORE, BRUSSELS

To:	FACSIMILE:	TELEPHONE:
U.S. Patent and Trademark Office Mail Stop AF	(703) 872-9306	

FROM: James J. Mullen III, Ph.D. - Reg. No. 44,957      DATE: April 18, 2005

Number of pages with cover page: 9	Originals or hard copy will <u>not</u> follow.
------------------------------------	--

Preparer of this slip has confirmed that facsimile number given is correct: 10598/gly1

If you do not receive all pages, please call (858) 720-7972 as soon as possible.

### CAUTION - CONFIDENTIAL

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (858) 720-7972 and send the original transmission to us by return mail at the address below.

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

#### Comments:

ATTORNEY DOCKET: 511582003500  
GROUP ART UNIT: 1642  
EXAMINER: A. Harris  
SERIAL NO.: 09/809,638  
FILING DATE: March 14, 2001  
INVENTOR(S): Mary FARIS et al.  
TITLE: 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY  
EXPRESSED IN VARIOUS CANCERS

#### Papers attached:

1. Transmittal (1 page)
2. Fee Transmittal (1 page + duplicate for fee processing)
3. Amendment After Final Action (37 C.F.R. Section 1.116) (4 pages)
4. Terminal Disclaimer (1 page)

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL  
GRACE YU AT (858) 720-7972 AS SOON AS POSSIBLE.

SD-255529

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

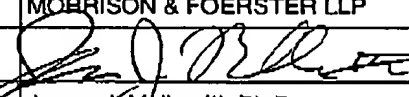
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/809,638
		Filing Date	March 14, 2001
		First Named Inventor	Mary FARIS
		Art Unit	1642
		Examiner Name	A. Harris
Total Number of Pages in This Submission	9	Attorney Docket Number	511582003500

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page + duplicate for fee processing) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (4 pages) <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer (1 page) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile coversheet (1 page)
Remarks Customer No. 36327		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	James J. Mullen III, Ph.D.		
Date	April 18, 2005	Reg. No.	44,957

I hereby certify that this correspondence is being facsimile transmitted to Mail Stop AF of the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: April 18, 2005

Signature:  (Grace Yu)

sd-255526

PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL

### For FY 2005

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>Complete if Known</b>	
		Application Number	09/809,638
		Filing Date	March 14, 2001
		First Named Inventor	Mary FARIS
		Examiner Name	A. Harris
		Art Unit	1642
TOTAL AMOUNT OF PAYMENT		(\$)	65.00
		Attorney Docket No.	511582003500

**METHOD OF PAYMENT** (check all that apply)

☐ Check   
 ☐ Credit Card   
 ☐ Money Order   
 ☐ None   
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account   
 Deposit Account Number: 03-1952   
 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below   
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17   
 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	0.00
Plant	200	100	300	150	160	80	0.00
Reissue	300	150	500	250	600	300	0.00
Provisional	200	100	0	0	0	0	0.00

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
59	- 59 = 0	x 25.00	= 0.00			
					125.00	0.00

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
8	- 8 = 0	x 100.00	= 0.00

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	125.00	0.00

**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	0.00
Other (e.g., late filing surcharge): 2814 Statutory Disclaimer	65.00

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent)	44,957	Telephone	(858) 720-7940
Name (Print/Type)	James J. Mullen III, Ph.D.		Date	April 18, 2005

sd-255524

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4878). <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number: 09/809,638 Filing Date: March 14, 2001 First Named Inventor: Mary FARIS Examiner Name: A. Harris Art Unit: 1642 Attorney Docket No.: 511582003500	
TOTAL AMOUNT OF PAYMENT (\$): 65.00			

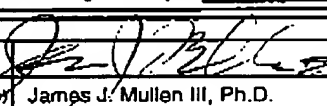
  

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number: 03-1952    Deposit Account Name: Morrison & Foerster LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	0.00
Plant	200	100	300	150	160	80	0.00
Reissue	300	150	500	250	600	300	0.00
Provisional	200	100	0	0	0	0	0.00
<b>2. EXCESS CLAIM FEES</b>							
							Small Entity
Fee Description							Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
							180
Total Claims		Extra Claims		Fee (\$)		Multiple Dependent Claims	
59		- 59 = 0		x 25.00 =		Fee (\$)	
						125.00	
Indep. Claims		Extra Claims		Fee (\$)		Fee Paid (\$)	
8		- 8 = 0		x 100.00 =		0.00	
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof		Fee (\$)	
		- 100 =		/ 50		125.00	
				(round up to a whole number) x		0.00	
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							0.00
Other (e.g., late filing surcharge): 2814 Statutory Disclaimer							65.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	44,957
Name (Print/Type)	James J. Mullen III, Ph.D.	Telephone	(858) 720-7940
		Date	April 18, 2005

Duplicate Copy  
For Fee Processing

sd-255524

I hereby certify that this correspondence is being facsimile transmitted to Mail Stop AF of the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: April 18, 2005

Signature: 

(Grace Fox)

Docket No.: 511582003500  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:

Mary FARIS et al.

Art Unit: 1642

Application No.: 09/809,638

Examiner: A. Harris

Filed: March 14, 2001

**AFTER FINAL, EXPEDITED  
PROCEDURE --  
EXAMINING GROUP 1642**

---

For: 125P5C8: A TISSUE SPECIFIC PROTEIN  
HIGHLY EXPRESSED IN VARIOUS  
CANCERS

---

**AMENDMENT AFTER FINAL ACTION (37 C.F.R. SECTION 1.116)**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This is in response to the final Office Action dated February 16, 2005, for which a response is due on May 16, 2005. This response is filed within two months of the issuance of the final Office Action, April 16th being a Saturday, and therefore qualifies for expedited review. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.

sd-247417